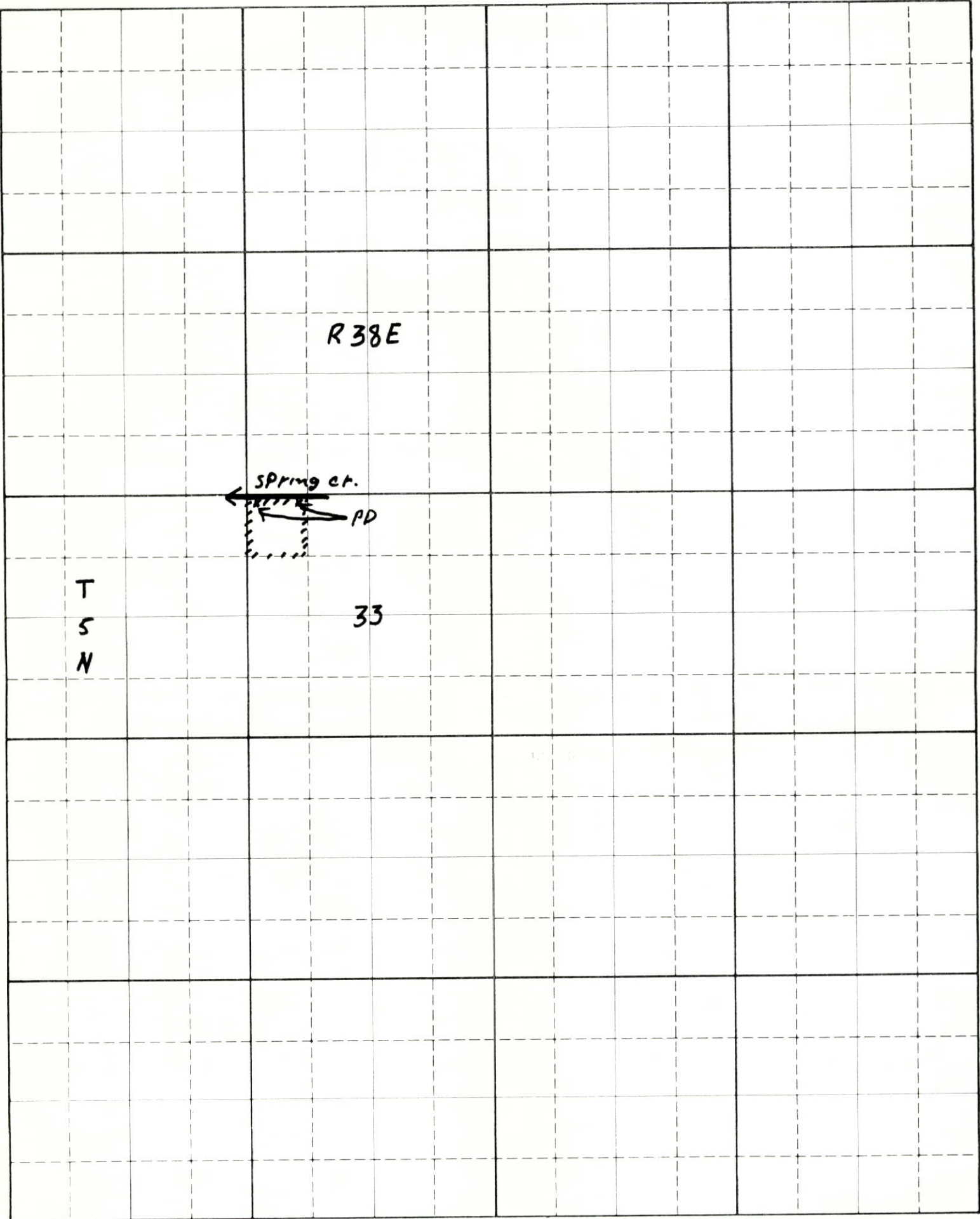


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William Mercer
(Applicant)

RECEIVED

JAN 22 1976

Affidavit of Publication

Department of Water Resources
Eastern District Office

THE RIGBY STAR

STATE OF IDAHO, } ss.
County of Jefferson

Larry D. Anderson ^{gen. mgr.}
~~Hope B. Jones~~, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

2 Consecutive issues thereof; first publication having been made on the

Twentyfifth day of December, 1975

and the last publication on the

first day of January, 1976

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Larry D. Anderson

Subscribed in my presence and sworn to before me this 13th

day of January, 1976
(SEAL)

Ernest Harmon

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires April, 1979

Publication Fee: \$11.84

NOTICE OF APPLICATION
FOR WATER PERMIT

NOTICE IS HEREBY
GIVEN that William Mercer,
Menan, Idaho has on 10-2475
submitted Application No.
25-7076 for a permit to
appropriate 0.56 cubic feet
per second of water from
Spring Creek tributary to
Snake River by means of
pump and ditches within the
(2 points) NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
33, T. 5N, R. 38E, B.M.,
Jefferson County; to be used
from April 1 to November 1
for the irrigation of 28 acres
within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
33, T. 5N, R. 38E, B.M.

If issued, this permit will
be subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water Re-
sources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on
or before January 12, 1976.
R. Keith Higginson
Director

Published: December 25,
1975; and January 1, 1976.

32

R 38E

T 5N

MICROFILMED

Place of use

Spring creek

End of Rail road

DITCH

0.18 mile

0.25 mile

Road

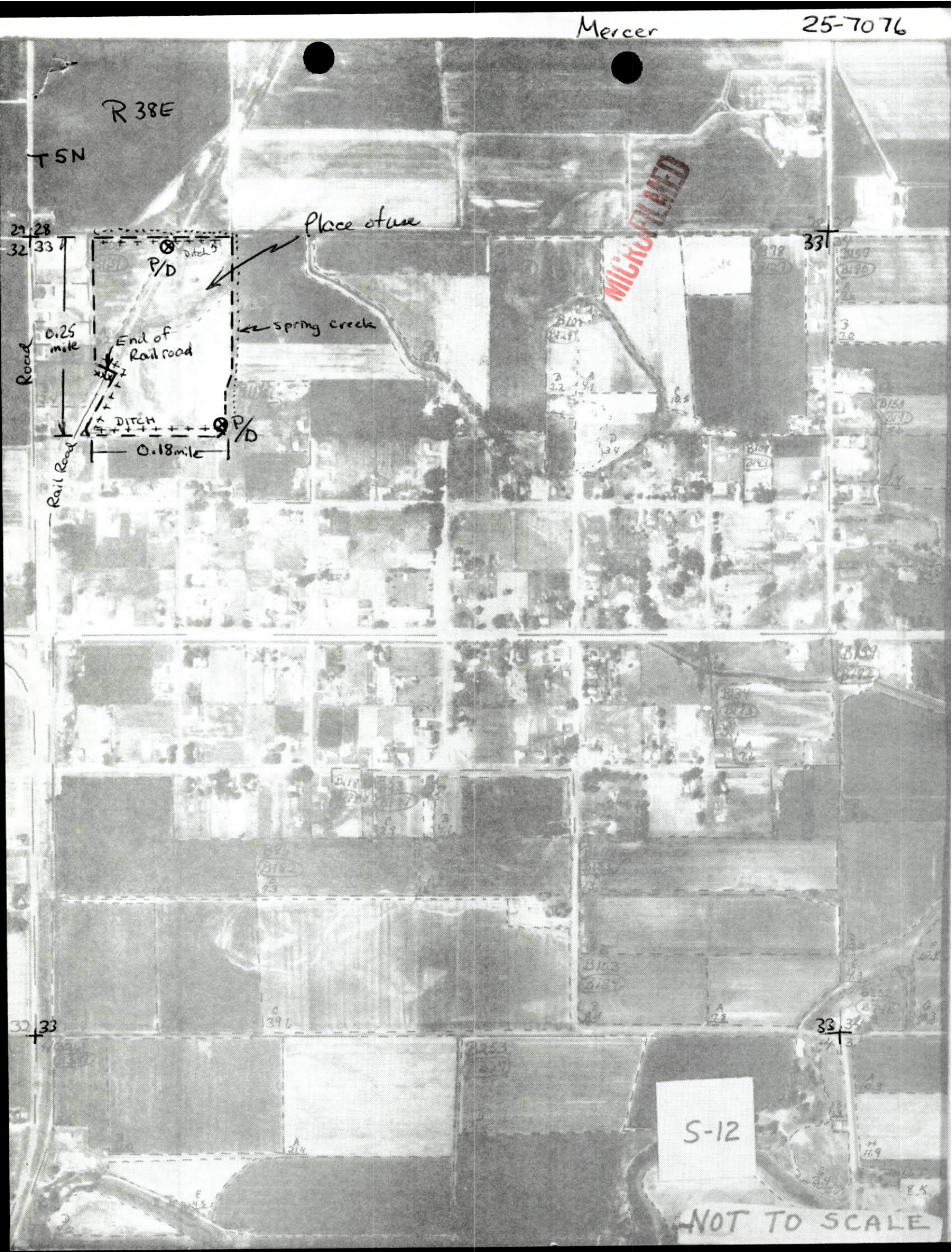
Rail Road

P/D

P/D

S-12

NOT TO SCALE



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 25-7076 Priority October 28, 1975 Amount 0.56 cfs

THIS IS TO CERTIFY, that William Mercer
of Menan, Idaho, has complied with the terms and conditions of Permit
No. 25-7076 issued pursuant to Application for Permit dated October 24, 1975,
and has submitted proof to the Department of Water Resources on March 5, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.11 cfs of water from Spring Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.56</u> cfs and	<u>100.8</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.56 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
100.8 acre feet per year, said waters to be diverted within the (2 points) NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section
33, Twp. 5N, Rge. 38E in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	38E	33						28											28

Total number of acres irrigated 28

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 3.5 afa per acre for the lands above.
Use of water under this license is subject to control by the watermaster of State
Water District No. 01, Upper Snake River.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
October, 19 81.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 25-7076)
IN THE NAME OF WILLIAM MERCER)

ORDER OF REINSTATEMENT

WHEREAS, on October 24, 1975, William Mercer applied to the Department of Water Resources for a permit to appropriate 0.56 cubic feet per second of water from Spring Creek tributary to the Snake River, to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, Twp. 5N, Rge. 38E B.M., Jefferson County, to be used for irrigation purposes; and,

WHEREAS, on March 26, 1976, the Department approved said application and issued Permit No. 25-7076 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1981; and,

WHEREAS, on December 31, 1980, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on March 1, 1981, the permit automatically lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on March 5, 1981;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 25-7076 be REINSTATED and the priority date advanced to October 28, 1975.

Dated this 17th day of March, 1981.


L. GLEN SAXTON

Chief, Operations Bureau

RECEIVED
MARCH 17 1981
DEPT. OF WATER RESOURCES

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant WILLIAM MERCER Phone: 754-4341
 post office address Rt. 1 Box 70, Menan Idaho

2. Source of water supply Spring Creek which is a tributary of Snake River

3. a. Location of point of diversion is ^{2 points} NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33 Township 5N
Range 38 E B.M. Jefferson County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 0.56 for Irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.56 cubic feet per second ~~and/or~~

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump and Ditches

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

b. Estimated construction cost is \$ 1500.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
 Range _____ B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

RECEIVED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5n	38E	33						28											28

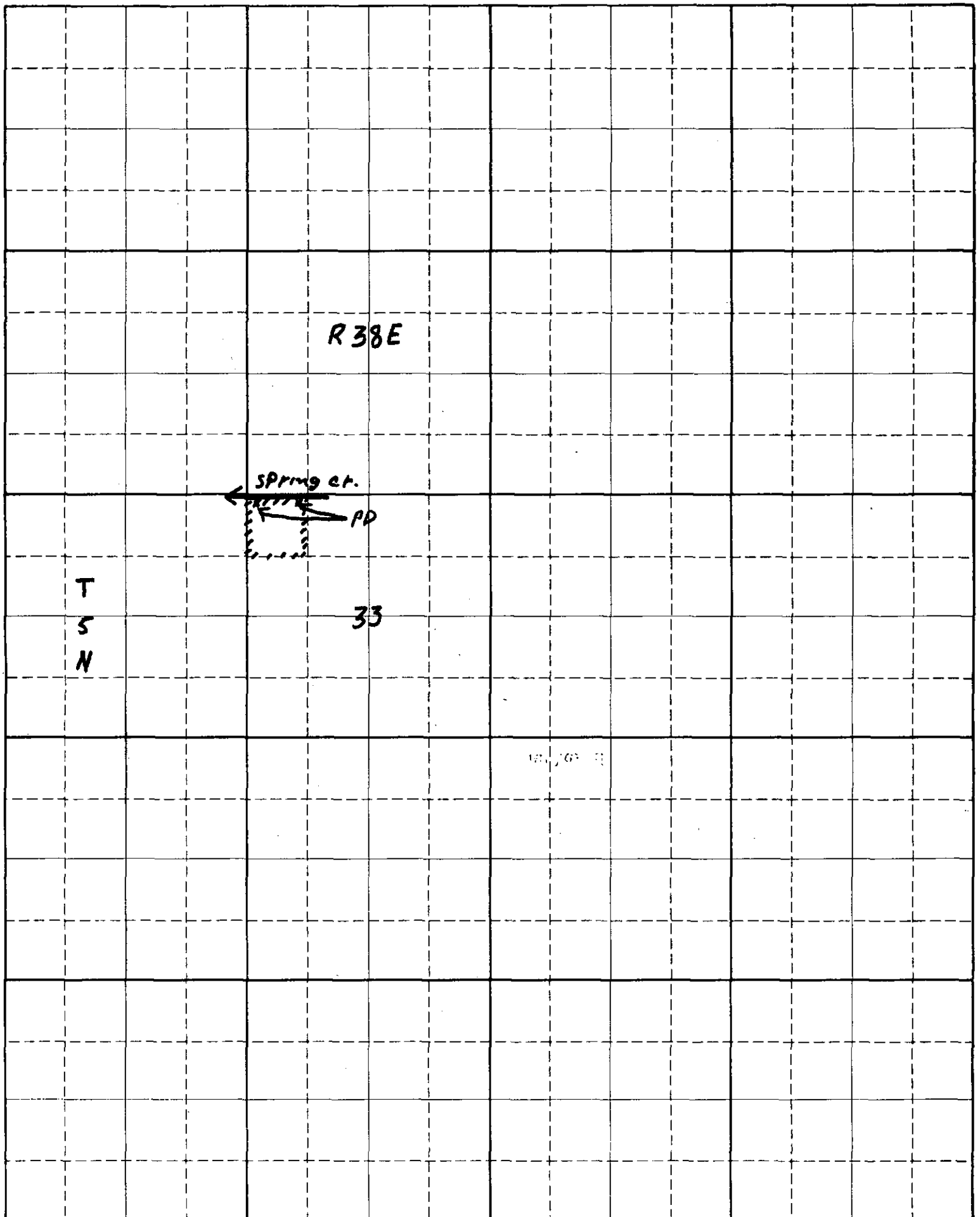
Total number of acres to be irrigated 28

c. Describe any other water rights used for the same purposes as described above. Canal Company Shares

9. a. Who owns the property at the point of diversion Charles Hunting
- b. Who owns the land to be irrigated or place of use Charles Hunting
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant plans to purchase the property

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William Mercer
(Applicant)

Proposed Priority 10-24-75

Received by SL Date 10-24-75 Time 5:00 p.
Preliminary check by SL Fee \$ 25.00
Receipted by SL Date 10-24-75 # 15460
Publication prepared by ew Date 10-27-75
Published in High Star
Publication dates Nov 6 & 13, 1975 Dec 26 & Jan 2
Publication approved me Date 1-22-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RDC DRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 25-7076, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1981.
- c. Other: 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.
2. No more water may be diverted under this permit, when combined with other rights appurtenant to the lands in question, than one miner's inch for each acre of land served.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 26 day of March, 1976.

R. Keith Higgins
Director

RECEIVED

JAN 22 1976

Affidavit of Publication Department of Water Resources
THE RIGBY STAR Eastern District Office

STATE OF IDAHO, }
County of Jefferson } ss.

**NOTICE OF APPLICATION
FOR WATER PERMIT**

NOTICE IS HEREBY
GIVEN that William Mercer,
Menan, Idaho has on 10-24-75
submitted Application No.

25-7076 for a permit to
appropriate 0.56 cubic feet
per second of water from
Spring Creek tributary to
Snake River by means of
pump and ditches within the
(2 points) NW 1/4 NW 1/4, Sec.
33, T. 5N, R. 38E, B.M.,
Jefferson County; to be used
from April 1 to November 1
for the irrigation of 28 acres
within the NW 1/4 NW 1/4, Sec.
33, T. 5N, R. 38E, B.M.

If issued, this permit will
be subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water Re-
sources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on
or before January 12, 1976.
R. Keith Higginson
Director

Published: December 25,
1975; and January 1, 1976.

32

Larry D. Anderson ^{gen. mgr.}
Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY
STAR, a weekly newspaper as defined by Idaho Codes Annotated Section
58-106 as amended, and that said newspaper is a weekly newspaper, printed
and published at Rigby, Jefferson County, Idaho, having a general circula-
tion in said county, and that said newspaper has been printed and published
as a weekly newspaper, in said county for more than 78 consecutive weeks
prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said news-
paper as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof, for

2 Consecutive issues thereof; first publication having been made on the

Twentyfifth day of December, 1975

and the last publication on the

first day of January, 1976

And affiant further says that at the times herein mentioned said news-
paper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Larry D. Anderson

Subscribed in my presence and sworn to before me this 13th

day of January, 1976
(SEAL)

Caral. Herman
Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires April 7, 1979

Publication Fee: \$11.84

RECEIVED

17 FEB 1978

Department of Water Resources
Eastern District 9500
19

WARRANTY DEED

THIS INDENTURE, Made this 30 day of December
by and between Charles A. Hunting and Audrey J. Hunting, husband and wife,

of the County of Jefferson State of Idaho, the parties of the first
part, and William Mercer and Beverly G. Mercer, husband and wife,

of the County of Jefferson State of Idaho, the parties of the second

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
-----TEN AND NO/100----- DOLLARS
lawful money of the United States of America, and other good and valuable considerations, to them
in hand paid by parties of the second part, the receipt whereof is hereby acknowledged, have
granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm
unto the said parties of the second part and to their heirs and assigns forever, all the follow
ing described real estate, situate in the County of JEFFERSON State of Idaho to wit:

Range 38 EBM, Township 5 North,

Section 33: That part of the Northwest Quarter of the Northwest Quarter
(NW $\frac{1}{4}$ NW $\frac{1}{4}$) lying East of the Union Pacific Rail Road Right of
Way.

ALSO, Beginning at a point 350 feet East of the Northwest
Corner of the Northwest Quarter; thence South 875 feet;
thence West 350 feet; thence South 100 feet; thence East
1115 feet to the West Boundary of the Union Pacific Rail
Road; thence Northeasterly along West Boundary of said
Rail Road 1115 feet; thence West 568.43 feet to the point
of beginning.

Subject to easements and right of ways for highways, roads,
ditches, canals, pole, power and transmission lines as they
exist.

PLATTED BY
VEAR/C. CRYSTAL, Assessor
By Deputy

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto be
longing or in anywise appertaining, and the reversion or reversions, remainder and remainders, rents,
issues and profits thereof, and all estate, right, title and interest in and to the said property as well in
law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, to
gether with the appurtenances, unto the parties of the second part, and to their heirs and
assigns forever. And the said parties of the first part and their heirs and assigns forever, the said premises
in the quiet and peaceable possession of the said parties of the second part, and their heirs
and assigns against the said parties of the first part and their heirs and against all and
every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WAR
RANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their
hands and seals the day and year first above written.

Signed, sealed and delivered in the
presence of
[Signature]

[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)

STATE OF IDAHO

RECEIVED

FEB 5 1976

County of Jefferson

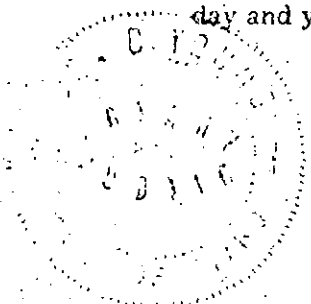
ss.

On this 5 day of January, in the year 1976 before me the undersigned

a Notary Public in and for the State of Idaho, personally appeared Charles A. Hunting and Audrey J. Hunting

known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged to me that he^y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.



Ora B. Young

Notary Public

Residing at Emmett, Idaho

My Commission Expires 10-10-1978

178205

No.

WARRANTY DEED

TO

Dated 5, 1976

STATE OF IDAHO } ss.
County of

I hereby certify that this instrument was filed for record at the request of

C. K. Jones

at 0 minutes past 10

o'clock A M., this 7

day of Jan, 1976 in my office and duly recorded in

Book of , at

page

Robert J. Barnes

Ex-Officio Recorder

By K. L. Lister Deputy

Fees \$ 2.00

WATER RIGHT NUMBER 25-7076

OK
OWNER LAST NAME - MERCER
ADDRESS LINE 1 - RT. 1 BOX 70
ADDRESS LINE 3 -

FIRST NAME - WILLIAM

ORIG OWNER -

ADDRESS LINE 2 -

CITY - MENAN

STATE - ID ZIP CODE - 83434

SOURCE - SPRING CREEK

TRIBUTARY OF - SNAKE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 10-28-1975 COUNTY - JEFFERSON

TOTAL DIV. RATE - .5600 -CFS

TOTAL DIV. VOLUME - 100.80 AFA TRFR/AMEND -

WATER DIST. - 01 DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NWNW 33 05N 38E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .5600 CFS USE DIV. VOLUME - 100.80 AFA

USE - IRRIGATION

PLACE OF USE - TWN 05N RNG 38E SEC 33 TRACT NWNW LOT AC 28

DECREE NAME -

DATE -

TOTAL ACRES 28

REMARKS - 2 P/D IN NWNW, S33, T5N, R38E.

THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE
THAN 0.02 CFS/AC NOR MORE THAN 3.5 AFA/AC FOR THE LANDS ABOVE.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

IDENT. NO. 25-7076

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
D.W.	5/25/83	License Updated
		Transfer Updated
		Key punched by State Office
		G G FEB 27 1984 VERIFIED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 2, 1981

RE: Permit No. 25-7076

William Mercer
Route #1, Box 70
Menan, ID 83434

Dear Mr. Mercer:

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Dave T

TO

Norm

O/K Norm

DATE

10/13/81

SUBJECT

Here is a tough one. The irrigator uses a Tractor PTO to divert 3.11 cfs for ^{irrigation of} 28 acres. He has not fulfilled the M.D. requirement. He likely diverts the excessive rate so that his tractor is not needed on the PTO full time.

Given our alternatives to:

(over)

SIGNATURE

1. Return the exam to the region & require that
a measuring device be installed prior to licensing, or

2. Issue the license recognizing that this right
will be either "off" or "on", where the
irrigator will pump ~~when~~ for short periods of
time when water is available & the watermaster
control would be verbal rather than physical
control of a headgate,

I suggest we go with the second option.

DRB

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

25-7076
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 6-24-81 Accompanied by William Mercer Total Q measured 3.11 cfs
If source is surface water, estimate total flow of source _____
Methods of measurement Pigging Meter Meets Permit requirements? _____

Measurement calculations:

$$V = 28.8 \text{ ac} \times 3.5 \text{ afa} \\ = \underline{100.8 \text{ afa}}$$

$$V = 0.56 \text{ cfs} \times 1.48 \text{ K} \times 214 \text{ days} \\ = \underline{237.7 \text{ afa}}$$

Capacity
3.11 cfs

$$\text{Allow } .02 \text{ cfs/ac} = 28 \times .02 = .56 \text{ cfs}$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	80	John Deere 4010 Tractor	2T-10697	Hale	407MSR400	Pigging Meter	Good	

System Description Intake hose to Hale pump (PTO driven) thru check valve to 6' flexible outlet hose to 30ft long 6" dia aluminum pipe to irrigation ditch.

*Code with map on reverse side. Disregard code if only one.

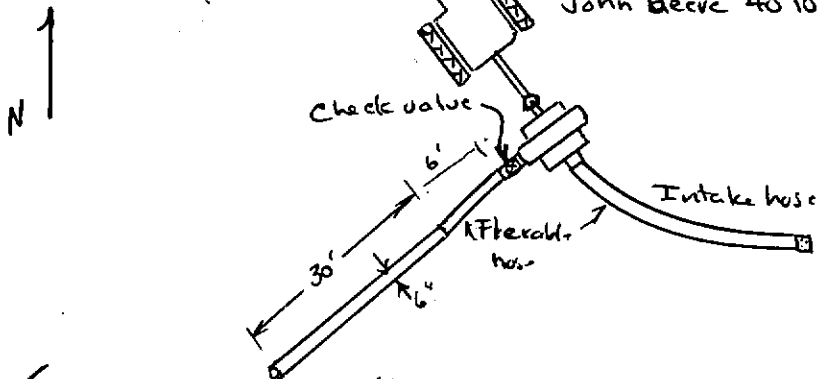
RECOMMENDED AMOUNTS

USE	Irrigation requirement =	Q (cfs)	V (afa)	FROM	TO
<u>Irrigation</u>		<u>.56</u> ✓	<u>100.8</u> ✓	<u>April 1</u>	<u>Nov 1</u>
Total		<u>.56</u> ✓	<u>100.8</u> ✓		

Remarks Note that the Railroad no longer goes through land but stops.

No Overlapping rights

John Deere 4010 Tractor



✓ Point(s) of diversion: NW¹/₄ of NW¹/₄ Sec 33 T5N R 38E (2pts)

[illegible]☐ Other

Date _____

Kc Wilson

H.D. Jones

Kolm

8-6-78

10	5	8
----	---	---

1-63

DEPARTMENT OF RECLAMATION

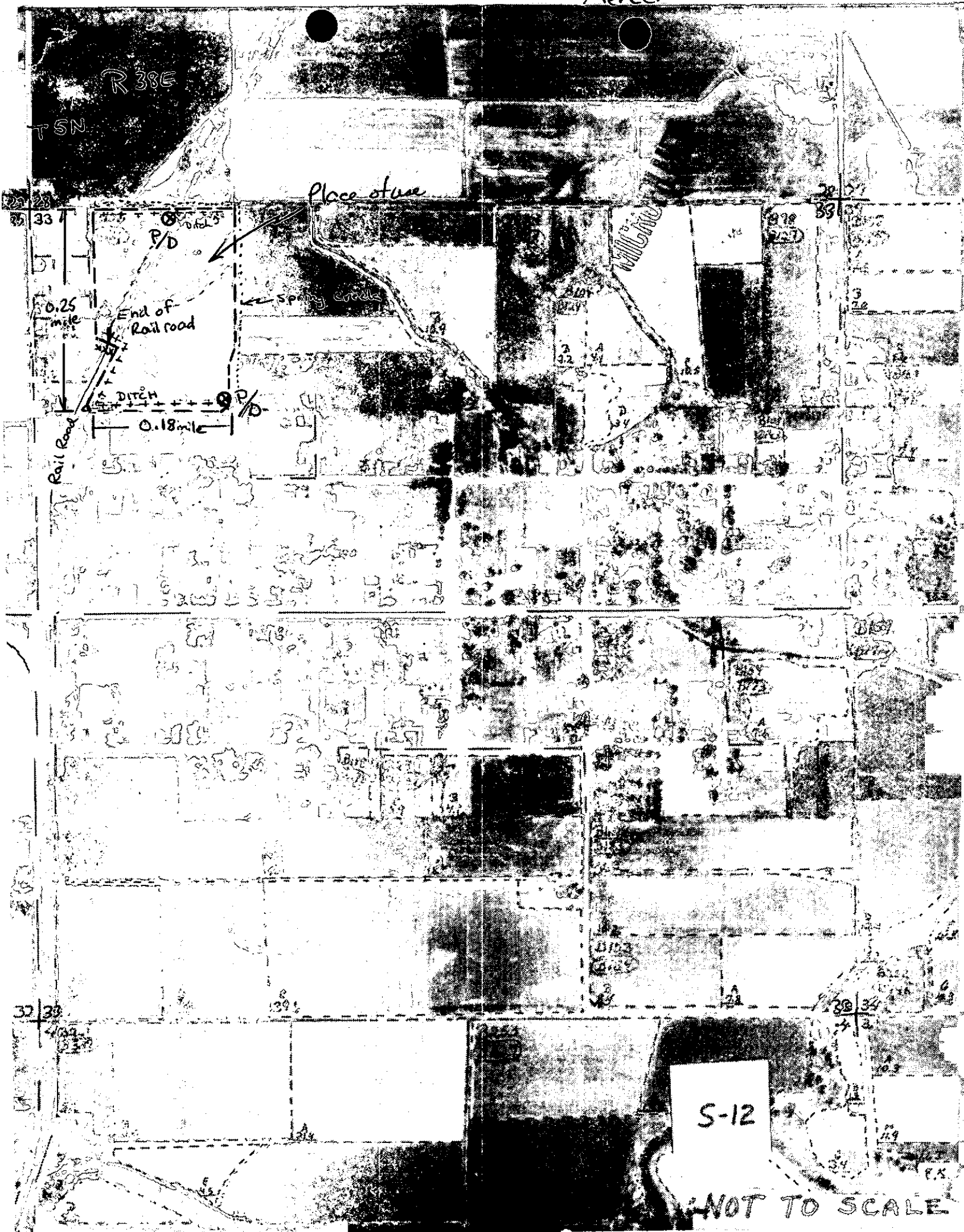
Date 6-29, 1981 DISCHARGE MEASUREMENT NOTES

Permit# 25-7076 — William Mercer

[illegible]

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

MICROFILMED





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 1, 1981

RE: Permit No.

25-7076

William Mercer
Rt. #1, Box 70
Menan, Idaho 83434

Dear Mr. Mercer:

Permit reinstated, priority advanced to October 28, 1975.

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

HAROLD W. JONES
Sr. Resource Agent

cc: DWR - State Office

APR 11 1981

DEPARTMENT OF WATER RESOURCES

Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 25-7076.

Name(s) of Permit Holder: William Mercer

Post Office Address: Rt. 1 Box 70

Menan, Id. 83434 Tel. No. 754-4341

Source of Water: Surface - Spring Creek

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 35 _____ (acres)
☐ Other _____

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☒ No

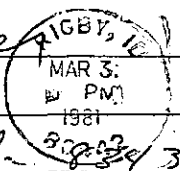
Access Port: Required? ☐ Yes ☒ No Installed? ☒ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Feb-15, 1980
Date

William Mercer
Signature of Permit Holder

Bill Merce
St. 1 Box 70
Menan, Id. 83434



RECEIVED



MICROFILMED

MAR 5 1981

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
STATEHOUSE

BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

MERCER, WILLIAM
Route 1, Box 70
Menan, ID 83434

1387-16

DECEMBER 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 25-7076 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

March 26, 1976

Re: Permit No. 25-7076

William Mercer
Rt. 1, Box 70
Menan, ID 83434

Dear Mr. Mercer:

Enclosed is a copy of your approved Application for Permit No. 25-7076 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

MEC
MAR 29 1976
FBI - BOYD

March 2, 1976

RE: Application for Permit No. 25-7076

Mr. William Mercer
Rt. #1, Box 70
Menan, Idaho 83434

Dear Mr. Mercer:

On January 23, 1976, we wrote you concerning the above referenced application for permit and indicating that it could not be approved until we had on file a copy of your agreement with Charles Hunting to purchase 28 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 5N, R. 38E.

Since we have not heard from you in this matter, we assume that you have no further interest in continuing this application, but, for your convenience we will maintain it in our files for an additional 20 days before proceeding to void it in our records.

If you wish to continue this application or have further questions in this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuttle

DATE 20 FEB 76

TO ~~✓~~ Ron Carlson

RECEIVED

FEB 25 1976

Department of Water Resources
Eastern District Office

SUBJECT App. 25-7076

Bob F. has decided that the fact that

"Applicant plans to purchase the property" is not sufficient
to show possessory interest in the land. A verbal ^{or written} agreement
between Mercer and Hunting would be enough to establish this.

SEE WARRENTY DEED SHOULD BE
SUFFICIENT, UNFORTUNATELY I DIDN'T
CHECK THE FILE BEFORE WRITING LETTER

SIGNATURE

January 23, 1976

RE: Application for Permit No. 25-7076

Mr. William Mercer
Rt. #1, Box 70
Menan, Idaho 83434

Dear Mr. Mercer:

Your application for permit No. 25-7076, requesting 0.56 c.f.s. from Spring Creek has been advertised and is now ready for final action by the Department. However, before this application can be approved, we must have in our file evidence that you do have an agreement with Charles Hunting to purchase 28 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33, T. 5N, R. 38E.

We encourage you to submit copies of your purchase agreement at your earliest convenience to avoid undue delay in the processing of this application. If you have any questions in this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

January 19, 1976

RE: Applications for Permit Nos. 35-7562 - BOYCE
25-7076 - MERCER

The Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced applications. Application 25-7076 was to have been published in your paper on November 6 and November 13, 1975, and Application 35-7562 was to have been published on December 31, 1975 and January 8, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

December 19, 1975

RE: Applications for Permit Nos. 25-7076,

The Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-22-76 by me

RDC:ME

Legal Notices (2)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William Mercer,

Menan, Idaho

has on 10-24-75 submitted Application No. 25-7076

for a permit to appropriate 0.56 cubic feet per second ~~xxxxxx feet per second~~

of water from Spring Creek tributary to Snake River

by means of pump and ditches

within the (2 points) NW¹/₄ NW¹/₄, Sec. 33, T. 5N, R. 38E, B.M., Jefferson County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 28 acres

within the NW¹/₄ NW¹/₄, Sec. 33, T. 5N, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 12, 1976.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho

on December 26, 1975 and January 2, 1976.

RECEIVED
JAN 12 1976
IDAHO DEPT. OF
WATER RESOURCES

*awf
me-Q.*

RE: Application for Permit No. 25-7076

Gentlemen:

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC: CW

Enc: Legal Notice

Bill submitted _____ by _____

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William Mercer,

Menan, Idaho

has on 10-24-75 submitted Application No. 25-7076

for a permit to appropriate 0.56 cubic feet per second ~~acre feet per annum~~

of water from Spring Creek tributary to Snake River

by means of pump and ditches

within (2points) NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 5N, R. 38E, B.M., Jefferson

County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 28 acres

within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 5N, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 24, 1975

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho 83442

on November 6 and November 13, 1975

*called
12-01-75*

October 27, 1975

RE: Application for Permit No. 25-7076 MERCER

Mr. Arthur L. Larson, Watermaster
Water District 01
Box 1099
Idaho Falls, Idaho 83401

Dear Art:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, please submit them to our Department as soon as possible. The last date of protest is November 24, 1975, and we are required to take final action shortly thereafter.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Moran

- ☒ Source
- ☒ Point of Diversion
- ☒ County
- ☒ Quantity of Water and Period of Use
- ☒ Description of Diverting Works
- ☒ Time required for B/U of water
- ☒ Place of Use or Acres Irrigated
- ☒ Map
- ☒ Signature
- ☒ Fee

(1) KDF 10-27-75

yes In form to receipt

(2) " "

Send Copies to:

NA Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) " "

NA Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant

(4) " "

yes In form for advertising

(5) " "

Platted on Map No. X-43

(6) " "

Located within Water District No. 01

(7) " "

Critical groundwater area: yes no ✓

(8) " "

NA Groundwater levels:

Declining, Stable, Increasing

(comment) _____

(9) " "

NA Other rights on the same place of use

(10) " "

Comments: No G.W. rights platted. Applicant specifies
Canal shares

(11) me 1-22-76

Affidavit of Publication received (date) 1-22-76

(12) me 1-22-76

Final date for protests Jan 12, 1976

Protests received: yes no ✓

(13) RDC 2/10/76

All requested information received from agencies or
applicant: yes no

(14) 11 11

Action recommended:

✓ Approve

10/24/75 Proposed Priority

Reason for Reduction FEB 13 1976

✓ Measuring device required Department of Water Resources

See attached sheet for other conditions of
approval

No special conditions for approval

(15) District E

By RDC

Date 2/10/76

CONTROL OF WATER MASTER
01 / Supplemental

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